REMARKS

The objection to claim 5 has been overcome by a suitable amendment.

In claim 1, local noise at a receiver is determined. Then a length of transmission is determined. Then a time period with lower noise is predicted.

In contrast, the cited reference to Mansfield uses a very different approach. He does not look at what the local noise is affecting a first transceiver, but, instead, determines what the interference is on different channel frequencies. See column 9, lines 29-35. He never determines what the noise is at the receiver, but, instead, looks at the noise on different frequency channels.

Next, rather than determining the length of the intended transmission, he simply sets the packet sizes to avoid having to use the frequencies that have higher interference. See column 12, lines 27-35. In other words, the cited reference adapts the packet length "so that the 'bad' channels may be avoided." The idea here is not to change the length of the transmission, but to change the packet size to avoid having to extend into the bad channels that have frequencies more likely to be subject to interference.

Finally, rather than predicting a time period for the transmission where the effect of the local noise source would be reduced, the cited reference, instead, selects frequencies with lower noise. Thus, although both references aim to reduce the effects of interference, they do so in substantially different ways.

Therefore, reconsideration of the rejection of claim 1 and claim 9 is respectfully requested.

Claim 12 calls for a unit to process information about a noise source and the length of an intended transmission and to analyze the noise source and predict a time period when the effect of the noise source would be reduced for sufficient time for the intended transmission. Rather that focusing on times for transmission, the cited reference focuses on selecting frequencies with less interference. The approach of the cited reference cannot anticipate claim 12. Therefore, reconsideration is respectfully requested.

The same claims that were rejected by Mansfield under Section 102 are also rejected as unpatentable over Carlson in view of Mansfield in view of Section 103. Obviously, the office action must concede that Mansfield is missing elements.

However, the combination of Carlson and Mansfield suffers from at least one of the same problems as the application of Mansfield. Namely, Mansfield never uses the length of the intended transmission to predict a time period when the effect of the local noise source would be reduced. First of all, Mansfield is not interested in lengths or time periods, but only in frequencies that are more prone to interference. Secondly, Mansfield simply reduces the packet sizes to avoid having to use frequencies that Mansfield considers bad.

Finally, the combination of Mansfield and Carlson would be perplexing to one skilled in the art. They use totally different approaches and it would make no sense to pick and choose from one reference to use in the other. How to combine the two and what to pick and choose would be the problem. And, even if one picked and chose well, it still is not at all clear that one could come up with anything close to what is claimed. For example, Mansfield believes in selecting frequencies that reduce interference and Carlson believes in detecting periodic noise using an RSSI signal and then generating a sync clock and a lock detect signal to control communications during quiescent periods in the noise.

Thus, while Carlson is more time based, Mansfield is based on selecting frequencies, not times. There would be no way to determine how to combine these two references or why to combine the two references. The fact that their combination would somehow improve interference characteristics is certainly questionable and the nature of exactly how you would modify one to achieve the other is very complicated. For example, to try to use Mansfield's concept of changing the packet length to avoid bad frequencies one would have to redesign Carlson because Carlson does not care about bad frequencies, so why would he want to change his packet length? And, certainly, there is no way to say that Mansfield uses any determination of packet length to time period when the effective local noise would be reduced. The problem is that Mansfield and Carlson do not teach the claimed invention, even if combined, and combining them would be more difficult because they are inconsistent in their approaches and, therefore, they do not fit together in any reasonably meaningful way.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

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Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation

Customer No.

21906